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10/529,026	03/21/2006	Colin John Davies	U 015679-6	8990
140	7590	10/06/2009	EXAMINER	
LADAS & PARRY LLP 26 WEST 61ST STREET NEW YORK, NY 10023			HUYNH, SON P	
			ART UNIT	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

nyuspatactions@ladas.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/529,026	<b>Applicant(s)</b> DAVIES, COLIN JOHN	
	<b>Examiner</b> SON P. HUYNH	<b>Art Unit</b> 2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 69-92 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 69-92 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 22, 2009 has been entered.

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 69-92 have been considered but are moot in view of the new ground(s) of rejection.

Claims 1-68 have been canceled.

Applicant argues Plotnick's disclosure of displaying a sequence of key frames only teaches away from the present invention (page 10). This argument is respectfully traversed.

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The feature of displaying I frames only is just one example/embodiment described in Plotnick reference. Plotnick does not disclose prohibiting displaying non-key frame (i.e., B frame or P frame). In fact, Plotnick discloses different types of frames (e.g., I frames, B frames, P frames) in MPEG stream, and displaying different version of playback with different type of frames (for example, displaying only selected I frames, or displaying I frames with P and/or B frames - see include, but are not limited to, figures 16A-17). Plotnick further discloses alternative advertisement with frames is displayed during trick play mode. The processing rules could also define editing of the various frames or video segments (i.e., cropping, changing video features such as color, tint, hue, contrast, etc. The frames of segments of video that make up the advertisement may be flagged with some type of designation. The flagging of the frames may be done in numerous methods known to those of ordinary skill in the art. Note the frames in video segment or frames in first two second of video segments comprising I frame(s) and P frame(s) and/or P frame(s). The processing rules associated (specifically those related to the advertisements) could also edit the advertisement by adding computer generated graphics, cropping the advertisement, adjusting video features (i.e., color, opacity), adding text (not in the original ad) to an I frame or video segment, fading in and out between frames or segments, emphasizing certain features in a frame or video segment, etc. - see include, but not limited to, figures 16a-17, paragraphs 0183, 0186, 0190, 205-211, 213-219). Thus, Plotnick discloses visibility of the message is obscured by a message obscurer during non-trick mode playback (e.g., during normal playback mode, the frame(s) and/or alternative advertisement is not displayed and/or not

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completely visible, wherein message obscurer is interpreted as anything the prevent completely or clearly displaying of text message and/or frames associated with alternative ad during normal playback mode.

Tanaka or Zdepski is relied on for the teaching of embedding a message obscurer into at least one non-key frame from the plurality of non-key frames as discussed below.

For reason given above, rejections on the claims are analyzed as discussed below.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 69-92 are rejected under 35 U.S.C. 103(a) as being unpatentable over Plotnick et al. (US 2002/0144262) in view of Tanaka (US 6,798,893).

Note that all references incorporated by reference in their entirety in Plotnick are treated as part of the specification of Plotnick.

Regarding claim 69, Plotnick discloses a method for embedding a message in video stream, the method comprising:

encoding video content at a video encoder to produce encoded video content comprising a plurality of key frames (i.e., I frames) and a plurality of non-key frames (i.e., P frames and/or B frames) (figures 4-5, 15-17); the encoding including:

defining at least one key frame from among the plurality of key frames (identify at least one key frames from among plurality of key frames in video for flagging or used for playback during trick mode - see include, but are not limited to, paragraphs 204-211, 214-218);

embedding the message in the at least one defined key frame (embedding/inserting a message including frame/information of alternative advertisement in at least one defined/flagged key frame - see include, but are not limited to, paragraphs 204-211, 214-218, figures 15-17);

wherein the at least one non-key frame being a predictive frame intended for display following the at least one define key frame (see include, but not limited to, figures 15-17, paragraphs 204-211);

wherein the message is visible when the at least one defined key frame comprising the embedded message is playback using trick mode playback (information and/or frame and/or text of alternative ad is visible when the at least defined I-frame and/or flagged I-frame comprising message/frame/text information of alternative ad is playback using trick play mode - figures 15-17, paragraphs 0094, 0101, 0183,0197, 0201, 0204-0212, 0214-0218, 0221-0224), and visibility of the message is obscured by a message obscurer during non-trick mode playback (e.g., message and/or information and/or selected frames associated with alternative advertisement is not displayed/visible

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in normal playback mode, see include, but not limited to, figures 15-17, paragraphs 0094, 0101, 0183, 0197, 0201, 0204-0212, 0214-0218, 0221-0224, wherein "message obscurer" is read on anything that prevent displaying of message and/or information and/or selected frame(s) associated with alternative ad during normal playback mode - see also discussion in "response to arguments" above).

Plotnick discloses frames in video segments comprising I frames and B frames and/or P frames (figure 15-17), and the generic rules may simply specify a particular segment of video (i.e., first 2 seconds). The specific processing rules could identify exact frames, set of frames, segments of video (which include I frames and B frames and/or P frames). The processing rules could also define editing of the various frames or video segments (i.e., cropping, changing video features such as color, tint, hue, contrast; adding computer generated graphics; displaying different frames at the same time (i.e., one on top and one on bottom), etc. Plotnick further discloses flagging of the frames may be done in numerous methods known to those skilled in the art. In addition, Plotnick disclose editing advertisement by adding computer generated graphics, cropping the advertisement, adjusting video features (i.e., color, opacity), adding text (not in the original ad) to video segment (which include I frame(s) and B frame(s) or P frame(s)), fading in and out between frames or segments, etc. (see include, but not limited to, paragraphs 0204-0211, 0213-0218). However, Plotnick is silent about information/obscurer to prevent completely or clearly displaying of message or flag or text or other information associated with alternative ad is embedded in at least non-key frame (P frame or B frame).

Tanaka discloses embedding the message obscurer in at least one non-key frame from among the plurality of non-key frames (e.g., embedding/inserting information indicating of watermark level in B frame and/or P frame) (see include, but not limited to, figures 1, 6-7; col. 4, lines 33-64, col. 6, lines 21-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate in Plotnick the teaching of embedding a message obscurer in at least one non-key frame as taught by Tanaka in order to yield predictable results such as to provide enhanced ease of watermark detection (col. 2, lines 16-34) or to easily control the display of P frame(s) and/or B frame(s).

Regarding claim 70, Plotnick in view of Tanaka discloses the method as discussed in the rejection of claim 69. Plotnick further discloses the at least one key frame comprises a plurality of key frames (see key frames 1602, 1604, 1606, 1608, 1610 - figures 16a-16c) (see also Tanaka - figures 4, 6).

Regarding claim 71, Plotnick in view of Tanaka discloses the method as discussed in the rejection of claim 70. Plotnick further discloses the embedding comprises embedding the message in each of the plurality of key frames (e.g., alternative advertisements 1620, 1640 – see include, but are not limited to, figures 16a-16c, paragraphs 210, 215) – See also Tanaka (figure 6 - embedding/inserting watermark data in each of the plurality of I frames).



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Regarding claim 72, Plotnick in view of Tanaka discloses the method as discussed in the rejection of claim 70. Plotnick further discloses the embedding comprises embedding the message in only some of the plurality of key frames (e.g. alternative advertisements 1600, 1630, etc. figures 16a-16c).

Regarding claim 73, Plotnick in view of Tanaka discloses the method as discussed in the rejection of claim 69. Plotnick further discloses distributing a stream of compressed content onto a storage medium of an end user unit, the compressed content comprising a plurality of key frames, wherein each individual key frame comprises the embedded message (distributing MPEP stream for storing in storage of PVR/set top box, the content comprises a plurality of I frames wherein each individual I frame comprises message/I frame for alternative advertisement - see include, but are not limited to, paragraphs 0122, 0125, 0126, 0128-0130, 0139, 0147, 0173-0174, 0210, 0215, figures 10-17).

Regarding claim 74, Plotnick in view of Tanaka discloses the method as discussed in the rejection of claim 73. Plotnick further discloses the storage medium comprises a removable storage medium (e.g., CD, DVD, standalone PVR, memory sticks, etc., paragraphs 0091, 0105, 0109).

Regarding claim 75, Plotnick in view of Tanaka discloses the method as discussed in the rejection of claim 73. Plotnick further discloses the storage medium is external to the

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end user unit (e.g., at the head end or standalone unit in other location external to the PVR – see include, but are not limited to, paragraphs 0064, 0097, 0105, 0121-0122, 0215, **0200**).

Regarding claim 76, Plotnick in view of Tanaka discloses the method as discussed in the rejection of claim 73. Plotnick further discloses the storage medium comprises a pre-recorded medium (e.g., VCR, PVR, DVD, etc. - see include, but are not limited to, paragraphs 0091, 0105, 0109, 0200, 0121-0122).

Regarding claim 77, Plotnick in view of Tanaka discloses the method as discussed in the rejection of claim 69. Plotnick further discloses the compressing comprises one of MPEG-2, and MPEG-4 compression (e.g. MPEG-2 or MPEG-4, see include, but are not limited to, paragraphs 0173, 0178, 0207).

Regarding claim 78, Plotnick in view of Tanaka discloses the method as discussed in the rejection of claim 77. Plotnick further discloses the key frame comprises an I-frame (figures 16a-16c, paragraphs 0205-0210).

Regarding claim 79, Plotnick in view of Tanaka discloses the method as discussed in the rejection of claim 69. Plotnick further discloses the embedded message comprises a text message (e.g., added text see include, but are not limited to, paragraphs 0094, 0129, 0136, 0142, **0215**).

Regarding claim 80, Plotnick in view of Tanaka discloses the method as discussed in the rejection of claim 69. Plotnick further discloses the embedded message comprises a graphic element (e.g., still image, or logo - see include, but are not limited to, figures 15-17, paragraphs 0059, 0060, 0063).

Regarding claim 81, Plotnick discloses a message delivery method comprising:

- decompressing compressed video at a video decoder, the compressed video comprising a plurality of key frames (i.e. I frames) and non-key frames (i.e., B and P frames), at least one of the plurality of key frames comprising an embedded message (see include, but are not limited to, paragraphs 109, 135-136 and embedded message is discussed in the rejection of claim 69);

- selecting at least one of the plurality of key frames comprising an embedded message from the compressed content (selecting at least one of the I frames comprising embedded message/frame information of alternative advertisement in MPEG-2 content – see discussion in the rejection of claim 69 and figures 10-17, paragraphs 0109, 0135-0136, 210-212);

- outputting, in trick mode playback, the selected at least one of the plurality of key frames comprising embedded messages, wherein the message is visible only when the selected at least one of the plurality of key frames is output in trick mode playback, and visibility of the message is obscured by message obscurer during non-trick mode

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playback – see include, but are not limited to, figures 10-17 and discussion in the rejection of claim 69).

Plotnick discloses frames in video segments comprising I frames and B frames and/or P frames (figure 15-17), and the generic rules may simply specify a particular segment of video (i.e., first 2 seconds). The specific processing rules could identify exact frames, set of frames, segments of video (which include I frames and B frames and/or P frames). The processing rules could also define editing of the various frames or video segments (i.e., cropping, changing video features such as color, tint, hue, contrast; adding computer generated graphics; displaying different frames at the same time (i.e., one on top and one on bottom), etc. Plotnick further discloses flagging of the frames may be done in numerous methods known to those skilled in the art. In addition, Plotnick disclose editing advertisement by adding computer generated graphics, cropping the advertisement, adjusting video features (i.e., color, opacity), adding text (not in the original ad) to video segment (which include I frame(s) and B frame(s) or P frame(s)), fading in and out between frames or segments, etc. (see include, but not limited to, paragraphs 0204-0211, 0213-0218). However, Plotnick is silent about at least one of the non-key frame (P frame or B frame) comprising a message obscurer (information/obscurer to prevent completely or clearly displaying of message or flag or text or other information associated with alternative ad is embedded in at least non-key frame (P frame or B frame).

Tanaka discloses at least one non-key frame comprising a message obscurer (e.g., B frame and/or P frame comprises information/watermark data to obscure or

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control visibility of the frames -see include, but not limited to, figures 1, 6-7; col. 4, lines 33-64, col. 6, lines 21-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate in Plotnick the teaching of providing a message obscurer in at least one non-key frame as taught by Tanaka in order to yield predictable results such as to provide enhanced ease of watermark detection (col. 2, lines 16-34) or to easily control the display of P frame(s) and/or B frame(s).

Regarding claim 82, Plotnick in view of Tanaka discloses the method as discussed in the rejection of claim 81. Plotnick further discloses the plurality of video frames is received from a broadcast video stream (see include, but are not limited to, paragraphs 0091-0092, 0107, figure 3).

Regarding claim 83, Plotnick in view of Tanaka discloses the method as discussed in the rejection of claim 81. Plotnick further discloses the plurality of video frames is received from a digital recording (e.g., DVD, PVR, see include, but are not limited to, paragraphs 0091, 0097, 0122, 0172-0174).

Regarding claim 84, Plotnick in view of Tanaka discloses the method as discussed in the rejection of claim 83. Plotnick further discloses the digital recording is pre-recorded

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on a medium (e.g., DVD, PVR, memory sticks, etc. – see paragraphs 0091, 0093, 0109, 0172-0174).

Regarding claims 85, 87-88, the additional limitations as claimed correspond to the additional limitations of claimed in claims 77, 79-80, and are analyzed as discussed in the rejection of claims 77, 79-80.

Regarding claim 86, Plotnick discloses the method as discussed in the rejection of claim 81. Plotnick discloses the plurality of key frames comprising an embedded message comprises a plurality of I frames (figures 16a-17).

Regarding claims 89-90, the limitations of the system and apparatus that correspond to the limitations of the method of claim 69 are analyzed as discussed in the rejection of claim 69.

Regarding claims 91-92, the limitations of the system and apparatus that correspond to the limitations of the method of claim 81 are analyzed as discussed in the rejection of claim 81.

4. Claims 69-92 are alternative rejected under 35 U.S.C. 103(a) as being unpatentable over Plotnick et al. (US 2002/0144262) in view of Tanaka (US 6,798,893).

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Note that all references incorporated by reference in their entirety in Plotnick are treated as part of the specification of Plotnick.

Regarding claim 69, Plotnick discloses a method for embedding a message in video stream, the method comprising:

encoding video content at a video encoder to produce encoded video content comprising a plurality of key frames (i.e., I frames) and a plurality of non-key frames (i.e., P frames and/or B frames) (figures 4-5, 15-17); the encoding including:

defining at least one key frame from among the plurality of key frames (identify at least one key frames from among plurality of key frames in video for flagging or used for playback during trick mode - see include, but are not limited to, paragraphs 204-211, 214-218);

embedding the message in the at least one defined key frame (embedding/inserting a message including frame/information of alternative advertisement in at least one defined/flagged key frame - see include, but are not limited to, paragraphs 204-211, 214-218, figures 15-17);

wherein the at least one non-key frame being a predictive frame intended for display following the at least one define key frame (see include, but not limited to, figures 15-17, paragraphs 204-211);

wherein the message is visible when the at least one defined key frame comprising the embedded message is playback using trick mode playback (information and/or frame and/or text of alternative ad is visible when the at least defined I-frame

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and/or flagged I-frame comprising message/frame/text information of alternative ad is playback using trick play mode - figures 15-17, paragraphs 0094, 0101, 0183,0197, 0201, 0204-0212, 0214-0218, 0221-0224), and visibility of the message is obscured by a message obscurer during non-trick mode playback (e.g., message and/or information and/or selected frames associated with alternative advertisement is not displayed/visible in normal playback mode, see include, but not limited to, figures 15-17, paragraphs 0094, 0101, 0183,0197, 0201, 0204-0212, 0214-0218, 0221-0224, wherein "message obscurer" is read on anything that prevent displaying of message and/or information and/or selected frame(s) associated with alternative ad during normal playback mode - see also discussion in "response to arguments" above).

Plotnick discloses frames in video segments comprising I frames and B frames and/or P frames (figure 15-17), and the generic rules may simply specify a particular segment of video (i.e., first 2 seconds). The specific processing rules could identify exact frames, set of frames, segments of video (which include I frames and B frames and/or P frames). The processing rules could also define editing of the various frames or video segments (i.e., cropping, changing video features such as color, tint, hue, contrast; adding computer generated graphics; displaying different frames at the same time (i.e., one on top and one on bottom), etc. Plotnick further discloses flagging of the frames may be done in numerous methods known to those skilled in the art. In addition, Plotnick disclose editing advertisement by adding computer generated graphics, cropping the advertisement, adjusting video features (i.e., color, opacity), adding text (not in the original ad) to video segment (which include I frame(s) and B frame(s) or P



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frame(s)), fading in and out between frames or segments, etc. (see include, but not limited to, paragraphs 0204-0211, 0213-0218). However, Plotnick is silent about information/obscurer to prevent completely or clearly displaying of message or flag or text or other information associated with alternative ad is embedded in at least non-key frame (P frame or B frame).

Zdepski discloses embedding the message obscurer in at least one non-key frame from among the plurality of non-key frames (e.g., embedding/inserting stuffing bit or other information in P frame to obscure a message/ advertisement banner being visible at original position on screen - see include, but not limited to, figures 4-10, 13; paragraphs 0008-0009, 0036-0037, 0040-0042). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate in Plotnick the teaching of embedding a message obscurer in at least one non-key frame as taught by Zdepski in order to yield predictable results such as to easily control the display of P frame(s) and/or B frame(s).

Regarding claim 81, Plotnick discloses a message delivery method comprising:

decompressing compressed video at a video decoder, the compressed video comprising a plurality of key frames (i.e. I frames) and non-key frames (i.e., B and P frames), at least one of the plurality of key frames comprising an embedded message (see include, but are not limited to, paragraphs 109, 135-136 and embedded message is discussed in the rejection of claim 69);

selecting at least one of the plurality of key frames comprising an embedded message from the compressed content (selecting at least one of the I frames comprising embedded message/frame information of alternative advertisement in MPEG-2 content – see discussion in the rejection of claim 69 and figures 10-17, paragraphs 0109, 0135-0136, 210-212);

outputting, in trick mode playback, the selected at least one of the plurality of key frames comprising embedded messages, wherein the message is visible only when the selected at least one of the plurality of key frames is output in trick mode playback, and visibility of the message is obscured by message obscurer during non-trick mode playback – see include, but are not limited to, figures 10-17 and discussion in the rejection of claim 69).

Plotnick discloses frames in video segments comprising I frames and B frames and/or P frames (figure 15-17), and the generic rules may simply specify a particular segment of video (i.e., first 2 seconds). The specific processing rules could identify exact frames, set of frames, segments of video (which include I frames and B frames and/or P frames). The processing rules could also define editing of the various frames or video segments (i.e., cropping, changing video features such as color, tint, hue, contrast; adding computer generated graphics; displaying different frames at the same time (i.e., one on top and one on bottom), etc. Plotnick further discloses flagging of the frames may be done in numerous methods known to those skilled in the art. In addition, Plotnick disclose editing advertisement by adding computer generated graphics, cropping the advertisement, adjusting video features (i.e., color, opacity), adding text

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(not in the original ad) to video segment (which include I frame(s) and B frame(s) or P frame(s)), fading in and out between frames or segments, etc. (see include, but not limited to, paragraphs 0204-0211, 0213-0218). However, Plotnick is silent about at least one of the non-key frame (P frame or B frame) comprising a message obscurer.

Zdepski discloses at least one non-key frame comprising a message obscurer (e.g., P frame comprises stuffing bits and/or other information to obscure a message or advertisement banner to be visible at original location/position on a screen -see include, but not limited to, figures 1, 6-7; col. 4, lines 33-64, col. 6, lines 21-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate in Plotnick the teaching of providing a message obscurer in at least one non-key frame as taught by Zdepski in order to yield predictable results such as to easily control the display of P frame(s) and/or B frame(s).

Regarding claims 89-90, the limitations of the system and apparatus that correspond to the limitations of the method of claim 69 are analyzed as discussed in the rejection of claim 69.

Regarding claims 91-92, the limitations of the system and apparatus that correspond to the limitations of the method of claim 81 are analyzed as discussed in the rejection of claim 81.

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Regarding claims 70-80, 82-88, the additional limitations as recited in the claims are read on Plotnick's disclosure as discussed in the first rejection above.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Miwa et al. (US 6,351,439) discloses method and system for managing access to data through data transformation comprising embed message data into B picture (col. 11, lines 13-67).

Florencio et al. (US 6,621,866) discloses method for inserting a visual element into an MPEG bit stream.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SON P. HUYNH whose telephone number is (571)272-7295. The examiner can normally be reached on 9:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Son P Huynh/  
Primary Examiner, Art Unit 2424

September 22, 2009